

III. REMARKS

Status of the Claims

Claims 1,5,31, and 32 are amended. Claims 1-7, 9-13, 31, and 32 are presented for further consideration.

Summary of the Office Action

Claims 1-13, 31-32 stand rejected under 35USC103(a) on the basis of the cited reference Poisenka, U.S. Patent No. 5,926,756 in view of the cited reference Wong et al, U.S. Patent No. 5,881,103. The Examiner is respectfully requested to reconsider her rejection in view of the above amendments and the following remarks.

Applicant submits that the objection to claim 31 is fully met by the above amendments.

Discussion of the Cited References

In the Office Action the Examiner continues to use the same prior art to support the rejection based on obviousness with the difference that the PC is now interpreted as the auxiliary device of the subject invention and the programmable electronic device (PED) is interpreted as the mobile communication device of the subject invention. To apply this interpretation to the subject matter as described in the amended claims under consideration requires a substantial distortion of the phrase "auxiliary device". The sole purpose of the PC of Poisenka is to transfer features and settings to the cellular phone 22 for use on the cellular phone, once the phone is disconnected from the PC.(see the Abstract). The features and settings are not for use in association in any manner with the PC of Poisenka. The PC of Poisenka is not an auxiliary device according to the claims of this application.

The PC of Piosenka et al. is used to program the mobile communication device to have different properties, e.g. different volume control parameters, ring tones etc. This kind of programming is independent of the PC. Although such programming is stored in the PC, they are not related to the use of the PC as an accessory to the mobile communication device. For example, one can load similar kinds of ring tones into a mobile station from different PCs.

Further, the mobile station remains "programmed" in the same way when the programming device is disconnected from the mobile station. In the subject invention the parameters, which are loaded from the auxiliary device, are related to the audio properties of the auxiliary device as it is used by the mobile communication device. When the auxiliary device remains connected to the mobile communication device, the mobile station uses those audio parameters, as they are provided by the auxiliary device. This is now emphasized by the amendments to the claims.

The Examiner has, since as early as the office action of July 5, 2002, admitted that the system of Wang fails to disclose a two way communication between the auxiliary device of Wong and the mobile communication device. Also it was admitted that in the system of Wong, the audio parameters are loaded from the memory, without any microprocessor in the accessory.

The Examiner indicates that the teaching of Piosenka fails to disclose a digital signal processor and the communication of digital data and then refers to Wong, stating:

"It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Piosenka by incorporating a DSP for the purpose of providing efficient and quality transmission, and adequate processing of data between electronic devices, such as a PC and a cellular phone, via an interface."

As indicated above, the teaching of Poisenka fails to disclose a system for use with an auxiliary device as described in the claims. The Examiner's description of the deficiencies of Poisenka fails to recognize this gap.

Further, there is no reason in either of the cited references that would encourage a person skilled in the art to substitute the DSP of Wong for the interface 58 of Poisenka. Poisenka describes the interface 58, at column 8, lines 10-21, as follows:

"Interface 58 is coupled to translator 56 for receiving the keypress sequences and for formatting such keypress sequences and providing these coded keypress commands to cellular telephone 22, via line 59. Interface 58 also receives data from cellular telephone 22, via line 61, that is comprised of phone display feedback and provides such data back to translator 56, via line 63, to provide for phone feedback of the programming process, as alluded to above. Interface 58 also provides programming instructions to be displayed on the PC to the GUI portion of GUI/controller 54, via line 65, for subsequent display to the user via I/O interface 50."

The Examiner states as indicated above that the combination would improve communication between the PC of Poisenka and the cellular phone 22. Applicant submits that such a modification would not be an improvement over the hard wire connections of interface 58. The Examiner's position is unsupported.

The disclosure of Wong has not improved since 2002 and the auxiliary device of Wong still is not capable of two-way communication, nor does it include a microprocessor. There is no teaching in Poisenka of the auxiliary device as described in the claims of this application.

The Issue of Obviousness

Applicant believes it is necessary to repeat the prior admonition, that, it is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference Piosenka are not remedied by the proposed combination with the teaching of the reference Wong. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Piosenka or Wong, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

In addition, there is nothing in the cited references that would lead a person skilled in the art to combine the teachings of these references. Piosenka discloses a PC based system for setting up a mobile telephone at the time of activation, while Wong discloses an auxiliary device for a mobile telephone. A person skilled in the art would not be encouraged in anyway to combine the teachings.

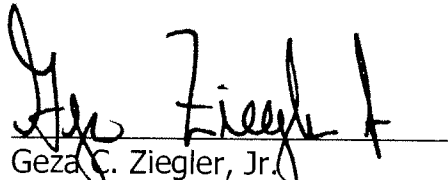
For all of the above reasons, it is respectfully submitted that all of the claims, now present in the application, are novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

09/019,614

Response to Office Action Mailed May 10, 2006

The Commissioner is hereby authorized to charge payment for the one-month extension of time (\$120) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

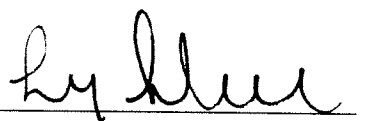
8 September 2006
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Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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